

The Accompaniment of Gender Tasks and Moralization in Family in Islamic Sources and Texts

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Abstract

The Family legal system in Islam, is the set of domestic rights and duties that linked by "Asl -e- Marouf" or moralization in family. The importance of this link, is shown by attention to the purposes of family formation in Holy Qorun; means making the amity and blessing in gender ties and by refer to the Islamic sources and texts. The meaning of the "gender tasks" is the responsibilities of the spouses in the family, that in point of view of Islam, have the inescapably link with the biological nature of the two sexes of man and woman. In this resaerche, is used of documented method and based on a descriptive – analytical way by referring to the Islamic authoritative texts and sources, the most important of gender tasks in the family in point of view of Islam, is expressed, and deals with the moral recommendations analysis about practicing these tasks. The results of this study are: the Attribution of the family's guardianship to the man and assignment the internal management at home to the woman. Each of these major tasks included the set of duties and is covered by Special logical mechanisms that according to the Inviolables saying is associated by several moral recommendations, tuerning around the "asl –e- marouf" and "good associate", and good behavior examples, the woman Tribution and the patience in the family.

Key words

Family, Moralization, Gender Tasks, Virtue, Islamic Sourses.

Position and Impact of the Best Interest in Guardianship of Children from the Perspective of Law and Islamic Jurisprudence

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Abstract

One of the important cases in which the interests of the implication of the Islamic law has an essential role and in which to decide how to implement is entrusted to the people themselves is the Guardianship(Welaya) of the children. Due to the disability of the children, the scope of the guardianship of them is very vast and it is the best interests of the children that can limit this scope and justify the guardianship system. However, there are various questions in this regard that have not received due attention. It is feared that this ignorance may lead to the loss of the children's rights or the abuse by the guardians of the children. Therefore regarding this issue and questions, this paper tries to deal with 5 topics concerning the best interests: their concept; importance and position; their impact on guardianship; the enforcement of guardianship; their relativity and changeability.

Key words

Best Interests, Children Rights, Guardianship, Relativity of Interests, Changeability of Interests.

Comparative Consideration of Islam Religious Commandments and International law Newest about Law Family

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Abstract

The family in international perspective is important so that the twenty-fifth of Ordibehesht (the fifteenth of May) is known as International Day of Families. Such action means that family is facing global issues that demand international effects. On the other hand, also international documents affected the family and about family, marriage and especially women and children rights, changed traditional and legal foundations of the family including marriage, divorce and the right to employment and other aspects. So consider law transformation of family in international documents in compare with Islam religious commandments and Iran law is very important. IN this article will try to prove that Islam religious commandments in the past time in progressive form express all of this international documents intent.

Key words

Family, Islam Religious Commandments, International Documents, Marriage.

Possibility of Extension The legal Protections of Marriage with Foreign Nationals

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Abstract

Family, as the first social institution, affects the society larger than itself. The importance of the family as the key element of each sound society and strengthening relations between couples outline necessity of legal arrangements. Since females suffer more damages and losses due to collapse of the family so formulation of more supportive laws is required by the legislator. Therefore regarding Iranian civil law, support of the legislator from females married with foreign nationals and priority of each provision of the law of Iranian females married with foreign nationals has been compared and studied in present research in order to protect the family in direction of stability of marital relationships. Results obtained from this study show that supportive laws are limited in case of Iranian females married with foreign males and there is no essential support. Thus the necessity of more supports is felt based of importance of the family.

Key words

Marriage, Foreign Nationals, Nationality, Supportive Rules.

Woman Remarriage and Right of Guardianship of Her Childrens.

Mahdi Rahbar Saleh Saadat

Abstract

On based on imamieh jurisprudence - on the basis of quoted causes - and considering to the maked laws in this case, remarriage of a woman who has childrens from her first husband, cause divesting her guardianship of her childrens. for this, the woman is forced to deprive herself of remarriage to not lose her guardianship of her childrens this situation sometimes causes psychotic, social and economical irreparable results for a woman. Whereas divorced man remarriage don't divest his guardianship of his childrens. This essay, with regarding to jurisprudencial and juridical works about the guardianship arguments, says in this case, on the one hand expediency of child and on the other hand ruling conditions of man and woman life sould be regarded. for this merely mother remarriage shouldn't be caused to divest her guardianship. In the end of this essay, we give some suggestions to reform the pertaining laws.

Key words

Divorse, Remarriage, Guardianship, Destitution, Expediency.

The Scope of Expedience and Justice within the Incompatibility of Women's Rights and Religious Laws.

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Abstract

The jurisprudential and judicial contraries that emerge at the time of invention and application of norms and legal rights at individual or social level including women's right are not from the same root. The typology of this contradiction can be classified into three parts and what relationship they have in the outside is the main query that this article is dealing with focusing on one of the typology from amongst three. It has dealt with the conformal contention and has focused on the expansion of needed and important rulings, based on the interest of rulings that has placed it into a challenging condition and in some other part, in place of needed and urgent rulings it has other compatibility that has met with contradictory situation outside. The place of legal Justice in contradictory rights is another issue that this paper has dealt with.

Key words

Contradictory Evident Rulings, Contradictory Women's Right, the Principle of Needed and Urgent, the Principle of Justice.